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5817th meeting

Wednesday, 9 January 2008, 10 a.m.

New York

President:	Mr. Ettalhi	(Libyan Arab Jamahiriya)
Members:	Belgium	Mr. Verbeke
	Burkina Faso	Mr. Kafando
	China	Mr. Wang Guangya
	Costa Rica	Mr. Urbina
	Croatia	Mrs. Mladineo
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Spatafora
	Panama	Mr. Arias
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Maqungo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Mr. Khalilzad
	Viet Nam	Mr. Le Luong Minh

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2007/759)

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08-20356 (E)

The meeting was called to order at 10.05 a.m.

Expression of welcome to new members and of thanks to outgoing members of the Council

The President (*spoke in Arabic*): The Libyan Arab Jamahiriya began its term of office as an elected member of the Security Council on 1 January 2008. During the first month of our membership, we assumed the presidency of this important organ of the United Nations. We promise to carry out this singular responsibility with a renewed commitment to the indispensable work of the United Nations and the ideals of the Charter.

At the same time, in presiding over the Council's first formal meeting in 2008, I am pleased to welcome the other new members: Burkina Faso, Costa Rica, Croatia and Viet Nam. We all look forward with confidence to their participation in the work of the Council. Their experience and wisdom will be of invaluable assistance in the discharge of the Council's enormous responsibilities.

I will also take this opportunity to express the Council's deep gratitude to the outgoing members of the Council — Congo, Ghana, Peru, Qatar and Slovakia — for their important contributions to the business of the Council.

Expression of thanks to the retiring President

The President (*spoke in Arabic*): I would also like to take this opportunity to pay tribute, on behalf of the Council, to Mr. Marcello Spatafora, Permanent Representative of Italy, for his service as President of the Security Council for the month of December 2007. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Spatafora for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2007/759)

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

It is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them the report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur, document S/2007/759.

At this meeting, the Security Council will hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations. I now give him the floor.

Mr. Guéhenno (*spoke in French*): The report of the Secretary-General (S/2007/759) is before the Council and is self-explanatory. My briefing today will therefore focus on the major challenges and impediments which we continue to face in our ongoing effort to deploy the African Union-United Nations Hybrid Operation in Darfur (UNAMID), including in particular the grave deterioration of the security situation which has taken place since we last briefed the Council on 13 December last year. I will supplement the presentation on UNAMID with a brief update on the activities of Special Envoys Jan Eliasson and Salim Salim.

I am pleased to report that since the last briefing, transfer of authority from the African Union Mission in Sudan (AMIS) to UNAMID took place on 31 December 2007 in accordance with Security Council resolution 1769 (2007). The event was marked by a small ceremony in El Fasher, which was attended by the leadership and personnel of UNAMID, the leadership of UNMIS and a Government delegation led by the Governor of North Darfur.

During the ceremony, the African Union and United Nations flags were raised side by side, and a symbolic number of personnel exchanged their green AMIS berets for the blue beret of UNAMID. Those symbolic acts underscored the partnership linking the

African Union and the United Nations in Darfur and signalled the new level of responsibility which the United Nations and the Security Council now bear for the success of the peacekeeping effort in that troubled place.

In this spirit, I have to report to the Council that a number of the outstanding issues which have been undermining our efforts to deploy UNAMID have not yet been resolved. Many of these are directly dependent on the outcome of discussions with the Government, including final confirmation of the composition of the force, the finalization of the status-of-forces agreement (SOFA), the provision of land for the mission, clearance to function 24 hours per day, and also an unequivocal agreement on the accoutrements for military and police personnel of UNAMID.

During the briefing on 13 December, following the meeting with the Sudanese officials that took place in Lisbon on the margins of the European Union-Africa Summit, we reported to the Council that the Government of the Sudan had agreed to hold follow-up meetings with UNAMID leadership in Khartoum in order to resolve all outstanding issues. While a number of such meetings have taken place, they have not yet yielded the required results.

As the Council is aware, for more than three months now we have been engaged in discussions with the Government on the composition of the UNAMID military component. While the Government has expressed its objections to the deployment of units from Thailand and Nepal, as well as a combined Nordic engineering unit, no formal or written position on those troop contributors has been forthcoming. However, I can now report to the Council that the Government has verbally rejected the Nordic unit. The loss of this engineering capability will have serious consequences for the speed of our deployment and also for the ability of UNAMID to carry out the small-scale infrastructure rehabilitation, for instance improving air strips, which would have facilitated deployment and would also have been of direct benefit to all those who live in Darfur. We are now assessing how best to fill this very regrettable gap.

(*spoke in English*)

Let me take this opportunity to thank the Nordic countries, which have worked very hard and have spent money to prepare this contribution. We are keen to explore opportunities to deploy this engineering unit in another peace operation, where it could make a very useful and important contribution.

With regard to the status of forces agreement, the Government had agreed that they would be ready to begin consultations on 13 December. However, to date no interlocutor has been made available to take forward those discussions. It is important that this critical legal arrangement be finalized as soon as possible, and that the result be a credible text, which will enable the mission to fulfil its challenging function. Our latest report from Khartoum is that negotiations will begin on Saturday. It will be important to move quickly in order to make for the lost time. To help accelerate this work, we will be strengthening our SOFA negotiation team through the deployment of Assistant Secretary-General Hocine Medili, who has been appointed UNAMID Deputy Joint Special Representative for Operations and Management. Mr. Medili will give particular attention to working with the Government to finalize the status of forces agreement.

On the matter of 24-hour operations, and night flights in particular, the Government has made clearance for those flights contingent upon the United Nations upgrading of national airport facilities. While we are ready to provide assistance in that regard, airport rehabilitation is a time-consuming undertaking and not an operational requirement for UNAMID to be able to fly at night. The AU-United Nations Mission is now established as per the mandate given to it by the Security Council and must be able to operate freely 24 hours per day.

With respect to land, we have not yet been able to finalize the agreement with the Government on a suitable piece of land in El Geneina.

As I indicated earlier, the Government is also reopening the issue of UNAMID accoutrements. In the hours before the transfer-of-authority ceremony, Government officials informed Joint Special Representative Adada and Force Commander Agwai that it would not agree to the re-hatting of the AMIS personnel. Nevertheless, we proceeded with the re hatting, in keeping with the agreement reached with the AU on the question of accoutrements and on the basis of our understanding that the Government had accepted the blue beret during the Security Council's visit to Khartoum on 17 June 2006, when they accepted the Hybrid Operation without conditions. As Council members are aware, the Government accepted the

deployment of a hybrid force, which means one force with a single identity. Retaining the green beret for African troops and the blue beret for non-Africans, which has been the Government's suggestion, would effectively establish two distinct forces with separate identities. It would also undermine the unity of the force and is contrary to the fundamental principles of the United Nations.

While rapid progress is required on those issues, it is also important to point out that the Government has released communications equipment that was impounded in Nyala and is also permitting UNAMID to use the El Obeid logistics hub as a staging area. We hope that those developments will help to create momentum that will lead to a resolution of the more significant blockages, which I have just described.

The Government takes the position that the outstanding issues I have listed are technical and should be resolved on that basis. We fully agree, and we believe that there is no good reason that those issues should persist ad infinitum, especially in the light of the adverse impact they are having on the deployment of the mission and the implementation of its mandate.

While high-level consultations between the Secretariat and Government officials will continue on these issues, a final resolution will come through a discussion of practicalities in Khartoum and on the ground in Darfur. To that end, Mr. Adada and his senior staff have made themselves available, without condition, to work with Government counterparts. In an effort to resolve these issues, consultations are ongoing with the Government of the Sudan. The Secretary-General spoke by telephone with President Al-Bashir over the weekend. This will be followed by technical discussions before the two of them meet at the African Union Summit. We will continue to do our best to handle these issues with the Government of the Sudan. But obviously, with each passing week, we face the prospect of further delay in fully establishing the mission.

As indicated in our last briefing to the Council on UNAMID, at the moment the mission is effectively a re-hatted AMIS, with few additional troops or police having arrived in the mission area since the transfer of authority, on 31 December. While the advance party of the Chinese engineering company and the formed police unit from Bangladesh are currently in theatre, the great majority of the military and police components of the mission are made up of units and personnel that had served with AMIS, including the two additional battalions from Nigeria and Rwanda, which arrived in November. In total, there are currently just over 9,000 uniformed personnel in UNAMID.

We are doing our utmost to ensure that the new UNAMID units deploy to Darfur as swiftly as possible. Nevertheless, it is clear that those deployments must move more quickly if we are to have a material impact on the situation in the first half of this year. The recce visits by troop-contributing countries to Darfur, as well as the usual memorandum of understanding negotiations and the submission of lists of all personnel and equipment to be deployed to the theatre, are not moving fast enough.

In addition, as we go through routine memorandum of understanding negotiations with troop contributors, some have begun to set conditions for their participation that will prevent us from accepting their contributions. These include proposals to limit operations to day-time hours and to restrict movements to those in the immediate vicinity of UNAMID military bases. If we were to accept those conditions, the mission would lose the capacity to implement its mandate in any credible manner.

With respect to forthcoming deployments, we expect to have the advance parties of the Egyptian and Ethiopian infantry battalions in Darfur by the end of February, pending the resolution of some outstanding issues, and the remainder of the Chinese engineering unit by March. Most of the enabling units are expected to deploy before June 2008. Five remaining battalions are scheduled to deploy in the latter half of the year.

Our deployment challenges continue to be compounded by the shortfalls that we are facing in a number of critical areas. Since our last briefing to the Council, we have not received offers for the essential transportation and aviation assets. Those missing units — one heavy and one medium transport unit, three military utility aviation units, namely 18 helicopters, and one light tactical helicopter unit, namely 6 helicopters — will enable UNAMID to move personnel and resources over large areas with the speed required to respond to crises. They will also allow for the rapid resupply of units based in insecure locations. We are already feeling the constraints of those gaps in requirements, as we are now forced to resupply our

troops by road. That is time-consuming and will become prohibitively difficult, if not impossible, during much of the rainy season. I regret to inform the Council that we are now faced with an additional shortfall of one multi-role logistics unit, after a troop-contributing country providing that unit withdrew its offer, and one aerial reconnaissance unit, following the technical determination that the unit pledged did not meet requirements.

In order to address these continued gaps in the force, the Department of Peacekeeping Operations (DPKO) convened a meeting with troop-contributing countries on 27 December, during which we highlighted the missing units and requested Member States to provide the required assets. During that meeting, the United Kingdom offered to convene a meeting to focus on the generation of the missing units. We very much welcome that and any other initiative that Council members or other Member States would be willing to undertake in that regard. In the meantime, the Secretary-General and the Secretariat continue to pursue all options to fill this critical gap. In that regard, we are in discussions with Ukraine to explore the possibility of transferring tactical helicopters from another mission. We are also exploring proposals from the Russian Federation that would involve providing the airframes to other troop-contributing countries.

Even as we apply ourselves fully to accelerating deployment and filling gaps in the force, we are also seeing a dramatic deterioration in the security situation in Darfur. Clashes and retaliatory attacks between the Sudanese Armed Forces and the Justice and Equality Movement (JEM) in West Darfur have also led to a number of civilian casualties and the relocation of 283 humanitarian staff from several locations in the state. On 29 December, the Justice and Equality Movement launched an attack on the local police station and Sudanese Armed Forces base in Seleia, a town north of El Geneina. While there are differing reports regarding the intensity of the conflict and casualties incurred, it was confirmed that the JEM ultimately took control of the town. Four days later, on 2 January, the JEM seized the Government-controlled towns of Sirba and Abu Suruj, which are also located north of Seleia. Both in the press and in discussions between JEM leader Khalil Ibrahim and United Nations officials in the field, Mr. Ibrahim has repeatedly threatened to attack El Geneina, the state capital. The Secretary-General strongly condemned JEM's acts of aggression and bellicose posture.

Following the JEM attack on Seleia, authorities from the Government of the Sudan's military intelligence surrounded the accommodations of Major General Bashir, the JEM representative to the ceasefire commission in El Fasher. The Government personnel were encountered by the AMIS protection force, which was guarding the premises according to AMIS established practice of providing protection to movement representatives to the ceasefire commission. Despite the efforts of senior AMIS and United Nations leadership to persuade the commanding military intelligence officer to halt the operation, Major General Bashir, along with five other JEM representatives, was arrested and taken into custody. Military intelligence authorities justified the arrest of the JEM representative by alleging that he was behind the attack in Seleia earlier that day. This is a worrying development and jeopardizes the integrity of those mechanisms that have been established to bring a cessation to the ongoing hostilities in Darfur.

The security situation in Darfur has also taken a serious turn for the worse due to hostilities involving Chadian elements. Media reports, as well as those received from UNAMID, indicate that the Government of Chad may have engaged Chadian rebels in Sudanese territory on a number of occasions. There were also widespread media reports suggesting that the Chadian air force may have bombed locations in the south of West Darfur, where Chadian rebels were believed to have congregated. We are also aware that the Sudanese Permanent Representative sent a letter to the Security Council on 28 December protesting what it referred to as "Chadian attacks against the Sudan", specifically citing air assaults from the Chadian air force on two separate occasions. Recent press reports also quote President Deby as confirming his intention to pursue Chadian rebels inside Sudanese territory.

This is an extremely worrying development in light of the potential for those engagements to escalate and assume international, cross-border dimensions. That would have a devastating impact on refugees and displaced persons on both sides of the border, and would inevitably make more complex the international community's current efforts to deploy peacekeeping operations in both countries.

The violence in West Darfur presents a fundamental challenge to UNAMID, which is a peacekeeping force not designed to deploy or function in a war zone. That scenario took an unforeseen and deeply disturbing turn on 7 January, when a UNAMID supply convoy of more than 20 clearly marked white vehicles moving at low speed came under fire from Sudanese Armed Forces at approximately 10 p.m. as they moved from Um Baru to Tine in West Darfur. The convoy, whose movements had been confirmed with the Government and rebel movements in advance, and which was comprised mostly of large trucks which were carrying rations for UNAMID personnel in West Darfur, came under sustained fire from light weapons and rocket-propelled grenades for 10 to 12 minutes. A civilian Sudanese driver suffered seven gunshot wounds during the incident. In that instance, UNAMID troops elected not to return fire and took up a defensive position.

After the attack, the UNAMID Deputy Force Commander was telephoned by the Sudanese Armed Forces area commander with responsibility for the area where the incident took place. The area commander confirmed that it was a Sudanese Armed Forces unit which had fired upon the convoy. After the incident, the convoy managed to reach Tine close to midnight and the injured driver is receiving treatment at the Tine team site.

I met yesterday with the Permanent Representative of the Sudan to the United Nations, who confirmed his Government's commitment to ensuring the safety and security of UNAMID personnel and also, more broadly, to the full implementation of resolution 1769 (2007). He also confirmed that the Government would be launching an investigation into the incident and that the United Nations would participate. We welcome those initiatives. The viability of the Mission depends on ensuring that this never happens again.

Finally, I would like to provide a brief update on the ongoing efforts of the Special Envoys, Messrs. Eliasson and Salim, who will be travelling to the Sudan this week for further consultations with the Government and the movements. Following from the unification efforts which took place in Juba and Darfur over the last few weeks, five principal movement clusters have now emerged: Sudan Liberation Army (SLA)-Unity, SLA-Abdul Shafie, United Resistance Front, JEM-Khalil Ibrahim and SLA-Abdul Wahid. Some of those movements are currently discussing the establishment of a common platform and negotiating team, as well as undergoing internal reorganization and deliberations on leadership structures.

The Special Envoys' trip will provide an opportunity to assess the progress of the current unification efforts, as well as the readiness of the movements to participate in an Arusha-style meeting, which would aim to assist the movements in finalizing their unification efforts so as to enable the start of substantive talks.

The recent upsurge in fighting in Eastern Chad and West Darfur and the mobilization of JEM and Sudanese forces around El Geneina are a cause for great concern, however. They send an extremely negative signal with regard to the prospects for a political settlement to the Darfur crisis. For the substantive negotiations to begin, it would also be important that the Government of National Unity agree on a common negotiating team and come well-prepared to the talks.

In conclusion and returning to UNAMID, we will continue to build on the modest momentum created by the transfer of authority. At the same time, we must move forward with a realistic understanding of the situation we face. War, with cross-border dimensions, is ongoing. Five months after the adoption of resolution 1769 (2007), we do not yet have guarantees or agreements from the Government on basic technical issues. And finally, the Mission itself will not have the personnel or assets in place to implement its mandate for many months, even in the best-case scenario.

I appeal to this Council and to all the international community to help on those and all other remaining problems, including the necessary specialized capabilities and equipment, in the political process. That is our collective responsibility. Without decisive progress on each of those three issues, we will indeed face dire consequences for the international efforts to help the Sudanese bring peace and stability to Darfur.

The President (*spoke in Arabic*): I thank Mr. Guéhenno for his exhaustive briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.35 a.m.